

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHARLES EDWARD LISHMAN

CHAPTER 13 CASE NO.:

21-12460-JDW

NOTICE OF MOTION TO DISMISS

Should any party receiving this Notice respond to the Motion, such response is required to be filed on or before June 27, 2022, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the Chapter 13 Trustee. If no responses are filed, the Court may consider the Motion immediately after the time for responses has expired. In the event a response is filed, the Court will notify you of the date, time, and place of the hearing.

CERTIFICATE OF SERVICE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: June 3, 2022.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”), by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Chapter 13 Petition on December 28, 2021 (the “Petition Date”).

2. According to the amended Proof of Claim (Clm. #5-2) filed by Mississippi Department of Revenue, the Debtor has failed to file his state tax returns for the 2017, 2018, and 2019 tax years. Therefore, the Debtor has failed to comply with 11 U.S.C. § 1308.

3. The Trustee respectfully requests that this case be dismissed pursuant to 11 U.S.C. § 1307(e).

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion. The Trustee prays for other such general and specific relief as this Court may deem just.

Dated: June 3, 2022.

Respectfully submitted,

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB# 100392)
Attorneys for the Chapter 13 Trustee
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: June 3, 2022.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN